

Message Text

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SUBJECT: BACKGROUND PAPER ON TREATY OF TLATELOLCO AND
PROTOCOL I

1. FOLLOWING IS THE TEXT OF BACKGROUND PAPER PROVIDED TO
PRESS AT TIME OF PRESIDENT'S ANNOUNCEMENT ON PROTOCOL I
(SEE SEPTTEL):

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2. THE TREATY FOR THE PROHIBITION OF NUCLEAR WEAPONS IN
LATIN AMERICA (WIDELY KNOWN AS THE TREATY OF TLATELOLCO,
AFTER THE DISTRICT OF MEXICO CITY IN WHICH THE TREATY WAS
NEGOTIATED) ESTABLISHED THE FIRST NUCLEAR-FREE ZONE IN ANY
POPULATED REGION OF THE WORLD. THE TREATY, WHICH WAS
OPENED FOR SIGNATURE IN FEBRUARY 1967, IS CURRENTLY IN
FORCE FOR TWENTY-ONE LATIN AMERICAN STATES.

3. LATIN AMERICAN PARTIES TO THE TREATY ARE OBLIGATED TO PROHIBIT IN THEIR RESPECTIVE TERRITORIES THE MANUFACTURE, TESTING, USE, STORAGE, DEPLOYMENT, OR POSSESSION OF NUCLEAR WEAPONS, WHETHER BY THE PARTIES THEMSELVES OR BY ANYONE ELSE. IN ADDITION, THE PARTIES THEMSELVES ARE PROHIBITED

FROM ENGAGING IN THE TESTING, USE, MANUFACTURE, OR POSSESSION OF NUCLEAR WEAPONS ANYWHERE IN THE WORLD. HOWEVER, THE TREATY DOES NOT AFFECT THE RIGHT OF LATIN AMERICAN PARTIES, UNDER INTERNATIONAL LAW, TO GRANT TRANSIT AND TRANSPORT PRIVILEGES, SUCH AS PORT VISITS AND OVERFLIGHT RIGHTS, TO STATES NOT LOCATED IN THE NUCLEAR FREE ZONE.

4. TO ENSURE COMPLIANCE, EACH PARTY IS OBLIGATED TO CONCLUDE A SAFEGUARDS AGREEMENT WITH THE INTERNATIONAL ATOMIC ENERGY AGENCY COVERING ALL OF ITS NUCLEAR FACILITIES. IN ADDITION TO IAEA INSPECTIONS PROVIDED FOR IN SUCH SAFEGUARDS AGREEMENTS, EACH PARTY IS OBLIGATED TO PERMIT A REGIONAL AUTHORITY TO CARRY OUT "SPECIAL INSPECTIONS" ON ITS TERRITORY IF REQUESTED BY ANOTHER PARTY.

5. THE TREATY SPECIFIES THAT IT WILL ENTER INTO FORCE FOR THOSE STATES THAT HAVE RATIFIED IT ONCE THE FOLLOWING REQUIREMENTS HAVE BEEN MET: (A) RATIFICATION OF THE TREATY BY ALL LATIN AMERICAN STATES IN EXISTENCE IN 1967; (B) ADHERENCE TO ADDITIONAL PROTOCOLS I AND II TO THE TREATY (SEE BELOW) BY ALL STATES ELIGIBLE TO ADHERE; (C) CONCLUSION OF THE SAFEGUARDS AGREEMENTS WITH THE IAEA. UNCLASSIFIED

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HOWEVER, STATES THAT HAVE RATIFIED THE TREATY ARE GIVEN THE OPTION TO WAIVE THESE REQUIREMENTS AND THEREBY TO BECOME BOUND BY THE TREATY BEFORE THE REQUIREMENTS ARE MET.

6. AT THE PRESENT TIME, TWENTY-ONE LATIN AMERICAN STATES HAVE RATIFIED THE TREATY, WAIVED THE REQUIREMENTS FOR ENTRY INTO FORCE, AND ARE THEREFORE BOUND BY THE TREATY. (THEY ARE THE BAHAMAS, BARBADOS, BOLIVIA, COLOMBIA, COSTA RICA, THE DOMINICAN REPUBLIC, ECUADOR, EL SALVADOR, GRENADA, GUATEMALA, HAITI, HONDURAS, JAMAICA, MEXICO, NICARAGUA, PANAMA, PARAGUAY, PERU, TRINIDAD AND TOBAGO, URUGUAY, AND VENEZUELA.) TWO STATES (BRAZIL AND CHILE) HAVE RATIFIED, BUT NOT WAIVED THOSE REQUIREMENTS. TWO STATES (ARGENTINA AND SURINAM) HAVE SIGNED BUT NOT RATIFIED. TWO STATES (CUBA AND GUYANA, WHOSE ELIGIBILITY TO ADHERE HAS BEEN HELD UP BY A BORDER DISPUTE INVOLVING ITS TERRITORY) HAVE NOT SIGNED THE TREATY.

7. WHILE ONLY LATIN AMERICAN STATES ARE ELIGIBLE TO BE-

COME "CONTRACTING PARTIES" TO THE TREATY, THERE ARE TWO ADDITIONAL PROTOCOLS TO WHICH STATES OUTSIDE LATIN AMERICA ARE ELIGIBLE TO ADHERE.

8. ADDITIONAL PROTOCOL II OBLIGATES NUCLEAR WEAPON STATES TO RESPECT THE LATIN AMERICAN NUCLEAR-FREE ZONE, NOT TO CONTRIBUTE IN ANY WAY TO ACTS INVOLVING A VIOLATION OF THE TREATY, AND NOT TO USE NUCLEAR WEAPONS AGAINST ANY PARTY TO THE TREATY. THE UNITED STATES RATIFIED PROTOCOL II IN MAY 1971. AT PRESENT, CHINA, FRANCE, AND THE UNITED KINGDOM HAVE ALSO RATIFIED, BUT THE SOVIET UNION HAS NOT.

9. ADDITIONAL PROTOCOL I OBLIGATES STATES OUTSIDE LATIN AMERICA TO APPLY SEVERAL OF THE TREATY'S DENUCLEARIZATION PROVISIONS TO TERRITORIES WITHIN THE NUCLEAR-FREE ZONE FOR WHICH THEY ARE INTERNATIONALLY RESPONSIBLE.
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THUS, PRESIDENT CARTER'S ANNOUNCEMENT IN HIS PAN AMERICAN DAY SPEECH THAT THE US WILL SIGN PROTOCOL I SIGNALS HIS INTENTION TO BRING US TERRITORIES IN LATIN AMERICA UNDER THE SCOPE OF THE NUCLEAR-FREE ZONE. THE PRINCIPAL TERRITORIES INVOLVED ARE PUERTO RICO, THE VIRGIN ISLANDS, GUANTANAMO NAVAL BASE, AND THE PANAMA CANAL ZONE. (PANAMA HAS ADHERED TO THE TREATY. UPON OUR ADHERENCE TO THIS PROTOCOL IT WILL BE CLEAR THAT THE CANAL ZONE IS EFFECTIVELY INCLUDED IN THE NWFZ.)

10. OF THE OTHER STATES ELIGIBLE TO ADHERE TO PROTOCOL I, THE NETHERLANDS AND THE UNITED KINGDOM HAVE DONE SO, WHILE FRANCE HAS NOT.

11. US ADHERENCE TO PROTOCOL I WILL ELIMINATE ONE OF THE FEW REMAINING PREREQUISITES FOR THE FULL ENTRY INTO FORCE OF THE NUCLEAR-FREE ZONE REGIME IN LATIN AMERICA. THE PRESIDENT'S ANNOUNCEMENT, THEREFORE, IS A SIGNIFICANT STEP IN THE COMPLETION OF AN IMPORTANT LATIN AMERICAN ENDEAVOR WHICH HAS EARNED THE RESPECT OF STATES THROUGHOUT THE WORLD AND WHICH, WHEN FULLY EFFECTIVE, WILL MAKE A LARGE CONTRIBUTION TO THE SECURITY OF THE ENTIRE LATIN AMERICAN REGION. THE PRESIDENT'S ANNOUNCEMENT ALSO UNDERLINES THE ADMINISTRATION'S FIRM COMMITMENT TO TWO MAJOR FOREIGN POLICY GOALS: STRENGTHENING US RELATIONS WITH LATIN AMERICA AND STOPPING THE SPREAD OF NUCLEAR WEAPONS CAPABILITIES.

12. THE EFFECT OF US ADHERENCE WOULD BE TO BAN THE TESTING, USE, STORAGE, OR DEPLOYMENT OF NUCLEAR WEAPONS IN THE US TERRITORIES LISTED ABOVE. IT WOULD NOT AFFECT

THE RIGHT OF US NAVAL VESSELS TO CALL AT PORTS IN THOSE
TERRITORIES, NOR WOULD IT AFFECT FREEDOM OF NAVIGATION
ON THE HIGH SEAS SURROUNDING LATIN AMERICA. END TEXT.

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